

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                    |   |                       |
|--------------------|---|-----------------------|
| AMERICAN NATIONAL  | ) |                       |
| INSURANCE COMPANY, | ) |                       |
|                    | ) |                       |
| Plaintiff,         | ) |                       |
|                    | ) |                       |
| v.                 | ) | C.A. No. 06-237 (KAJ) |
|                    | ) |                       |
| RUTH A. WILDS and  | ) |                       |
| JOAN L. GEIGER.    | ) |                       |
|                    | ) |                       |
| Defendants.        | ) |                       |

**AMENDED COMPLAINT FOR INTERPLEADER  
AND DECLARATORY RELIEF**

**Jurisdiction and Venue**

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1335 and 2361. Venue is proper in this District pursuant to 28 U.S.C. § 1397.

**The Parties**

2. The Plaintiff is American National Insurance Company, a Texas corporation (“ANICO”) with its principal place of business in Galveston, Texas .

3. Defendant Ruth A. Wilds resides at 213 Fourth Street, Crumpton, Maryland 21628.

4. Defendant Joan L. Geiger resides at 224 W. Roosevelt Avenue, New Castle, Delaware 19720.

**Background**

5. On June 18, 2003, Ruth L. Geiger purchased a Flexible Premium Deferred Annuity from ANICO, policy number 14377282 (the “Annuity”). At that time Ruth L. Geiger indicated the Annuity beneficiary as Joan L. Geiger.

6. On or about December 1, 2005, Ruth L. Geiger submitted a Service Request Form indicating a change of beneficiary from Joan L. Geiger to Ruth A. Wilds (the "Beneficiary Change").

7. On or about December 15, 2005, a dispute arose as to whether the Beneficiary Change was or was not intended and effective. In accordance with the information available at the time, ANICO changed the beneficiary to Joan L. Geiger.

8. On January 11, 2006, Ruth L. Geiger died.

9. On or about January 18, 2006, Joan L. Geiger submitted a Request for Payment of Annuity Benefits (the "Geiger Claim").

10. On or about February 3, 2006, Ruth A. Wilds submitted a Request for Payment of Annuity Benefits (the "Wilds Claim").

11. ANICO admits liability under the Policy. However as a result of the Geiger Claim and the Wilds Claim, ANICO is subjected to the risk of multiple liability.

12. The value of the Policy as of April 5, 2006 was \$114,791.26.

### **INTERPLEADER**

13. ANICO repeats and re-alleges paragraphs 1 through 12 as though fully set forth herein.

14. Pursuant to 28 U.S.C. § 1335, the following conditions are necessary to maintain an interpleader:

- a. amount in controversy in excess of \$500.00;
- b. two or more adverse claimants of diverse citizenship claiming entitlement to the benefits arising by virtue of a policy; and

c. the plaintiff has deposited the value of the policy with the registry of the court;

15. Each condition is satisfied in this case. The amount in controversy is in excess of \$500.00. Joan L. Geiger is a resident of Delaware. Ruth A. Wilds is a resident of Maryland. The Policy issued by ANICO is the subject of the Geiger Claim and the Wilds Claim. ANICO, contemporaneously herewith, has requested an order permitting it to deposit the value of the Policy in an interest bearing account with the Court. Moreover, ANICO has no interest in the subject matter of the dispute between Joan L. Geiger and Ruth A. Wilds.

**WHEREFORE**, ANICO requests that the Court enter an Order:

a. Restraining each defendant from instituting any action against ANICO for the recovery of the amount of the Policy or any part thereof;

b. Requiring all defendants to litigate in this action any rights to the funds interplead herein;

c. Discharging ANICO from all liability arising out of or related to the Policy; and

d. Granting ANICO its costs in instituting this action.

SMITH, KATZENSTEIN & FURLOW LLP

/s/ Etta R. Wolfe

Robert J. Katzenstein (ID No. 378)

Etta R. Wolfe (ID No. 4164)

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Attorneys for American National Insurance  
Company

Dated: May 10, 2006

# **EXHIBIT A**

### WordPerfect Document Compare Summary

Original document: F:\DATA\PUB\erw\com\10012615.WPD

Revised document: @PFDesktop\MyComputer\F:\DATA\PUB\erw\com\10013531.WPD

Deletions are shown with the following attributes and color:

~~Strikeout~~, Blue RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, Red RGB(255,0,0).

The document was marked with 6 Deletions, 11 Insertions, 0 Moves.

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/s/ Etta R. Wolfe

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Telephone (302) 652-8400  
Facsimile (302) 652-8405  
Attorneys for ~~Professional Underwriters~~  
~~Liability~~ American National Insurance  
Company

Dated: ~~April~~May 10, 2006

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**CERTIFICATE OF SERVICE**

I, Etta R. Wolfe, hereby certify that on May 10, 2006, I electronically filed the attached Amended Complaint for Interpleader and Declaratory Relief with the Clerk of Court using CM/ECF and caused a true and correct copy of same to be served by first class mail on the following:

Ruth A. Wilds  
213 Fourth Street  
Crumpton, MD 21628

Ruth A. Wilds  
P.O. Box 53  
Crumpton, MD 21628

Joan L. Geiger  
224 W. Roosevelt Ave.  
New Castle, DE 19720

Joan L. Geiger  
19725 Old Landing Road  
Rehoboth Beach, DE 19971

Bradley L. McFee, Sr., Esquire  
608 Baltimore Avenue  
Towson, MD 21204

John F. Brady, Esquire  
Brady Richardson Beauregard &  
Chasanov, LLC  
P.O. Box 742  
Georgetown, DE 19947

SMITH, KATZENSTEIN & FURLOW LLP

/s/ Etta R. Wolfe  
\_\_\_\_\_  
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302-652-8400 - phone  
302-652-8405 - fax  
[erw@skfdelaware.com](mailto:erw@skfdelaware.com) - e-mail  
*Attorneys for Plaintiff American National  
Insurance Company*

Dated: May 10, 2006